

W5YI REPORT

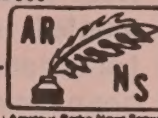
Up to the minute news from the worlds of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

Dits & Bits

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Caribbean Hams Get Expanded Phone Privileges

The FCC has released a Report and Order expanding the General and higher class 40 meter voice subband for U.S. amateurs operating in the Caribbean Insular Area. The Caribbean Insular Area includes the Commonwealth of Puerto Rico (KP4), Navassa Island (KP1, KC4), United States Virgin Islands (KP2, KV) and Desecheo Island (KP5) - a part of Puerto Rico.

On November 6, 1984, David Novoa, KP4AM, of Puerto Rico filed a petition asking that 7075-7100 kHz telephony privileges be authorized to Caribbean General, Advanced and Amateur Extra operators. He said that Caribbean amateurs were experiencing severe interference from broadcast stations - particularly at night.

He also noted that amateurs in the Caribbean were situated similarly to those in Hawaii and Alaska who were granted privileges identical to those he requested. The Commission authorized Hawaiian/Alaskan 7075-7100 kHz phone operation in July of 1984 to permit FCC-licensed operators near Region 3 to communicate with amateur operators in Region 3 and to provide relief from shortwave broadcast interference. The FCC accepted and assigned file No. RM-4872 to the Novoa proposal.

On April 17, 1985, the FCC expanded the Novoa proposal to encompass amateur

control operators transmitting from any location other than the forty-eight contiguous states. The Commission said that the extension of telephony privileges would promote international good will and also would allow Caribbean FCC-licensed amateurs to participate in Caribbean emergency nets and drills.

The greater majority of the comments filed with the FCC supported some version of the proposal. The ARRL also said they would support it "provided that it would be modified to restrict maritime mobile amateur telephony near the continental United States."

Meanwhile, Robert G. Wheaton, W5XW, a San Antonio, Texas, Extra Class amateur, also became aware of the FCC's April 1985 NPRM. Noting that the Commission was allowing additional phone privileges to those areas outside of the U.S. mainland, Wheaton prepared a very detailed and historically well documented petition showing the state of Texas was once not a part of the U.S. and it too was experiencing interference from Mexico - a situation similar to that of the Caribbean.

He said that the expanded telephony privileges should be extended "to all areas that were within the claimed boundaries of the former Republic of Texas at the time of its annexation by the United States in 1845." Even though his submission was in the form of

a petition, the FCC accepted his petition as comments on the Novoa proposal "because of its close relationship...".

The only opposition came from two amateurs that felt expansion of the Caribbean 40-meter phone band would be detrimental to amateur radioteletype operations in the continental U.S. Novoa had stated in his petition that phone expansion would not cause detrimental interference to U.S. telegraphy operators because of the limited number of Caribbean amateurs. The FCC agreed.

The FCC also agreed with the ARRL contention that maritime mobile amateurs operating close to the continental U.S. might cause interference to operations in the 48 mainland states. Adopted was a northern boundry of 20 degrees North latitude which goes right through Guantanamo Bay, Cuba.

Some amateurs and clubs thought that the phone band should be increased down to the 7050 kHz level or that the continental U.S. should be included. The League opposed this on the basis that "further expansion would disrupt existing telegraphy and RTTY operation...." Again, the FCC concurred. Wheaton's proposal to allow expanded voice privileges to amateurs operating from the "Republic of Texas" was not adopted for the same reason.

The FCC had suggested in its NPRM that perhaps the expanded voice privileges should be limited only to Caribbean Advanced and Extra Class amateurs only. While some commenters agreed, the ARRL felt that excluding General operators from any Caribbean telephony privileges would be inconsistent with the objective of promoting emergency network and regional communication. The Commission decided not to exclude the General class operator in its final decision.

Effective February 28, 1986, at 0001 UTC, General, Advanced and Amateur Extra Class amateurs in the Caribbean Insular Area may operate telephony in the 7075-7100 kHz frequency band. §Part 97.61(b)(1) is being amended to show that the voice operation is allowed "south of 20 degrees North latitude." (Action by FCC Order, released 1/22/86.)

NEW PERSONAL RADIO SERVICE PROPOSED

The FCC has dropped a bomb-shell on the personal radio community by issuing a Notice of Inquiry on January 30th proposing to do away with the General Mobile Radio Service. Normally Notices of Inquiry do not make proposals - instead only seek information. This NOI does both!

BACKGROUND ON GMRS:

Billed by many as "FM-CB" (although AM can be used), the Part 95 service occupies eight paired UHF channels in the 462 and 467 MHz bands. Repeaters are authorized and (according to Corwin D. Moore, Jr., WB8UPM, who heads up the Personal Radio Steering Group - an Ann Arbor, Michigan, GMRS organization) over 6,000 GMRS repeaters are now in operation!

GMRS used to be the old Class A CB service which wasn't used very much because of high equipment costs. Created in 1947, it was the original Citizens Radio Service.

Class A CB eventually gave way to the 465-MHz Class B (49 channel) Service. It too wasn't very popular and the spectrum was reallocated by the FCC. The Class A CB service was renamed the General Mobile Radio Service and remains to this day with a combination CB/business/ham band flavor. In 1955, the Class D (27 MHz) Citizens Band Service was created. Unlike 11-meter CB, you can only use a specific GMRS (50 watt power limit) channel.

GMRS offers high quality interference free personal or business radio communications without many of the licensing and operating restrictions of the land mobile (business band) service. Many GMRS groups participate in public service activities and their operation is frequently very similar to that of the two meter ham operator whose operation they imitate. Many GMRS operators opt for the GMRS band since there is no Morse code requirement.

Licenses are required and GMRS remains the only non-amateur personal radio service that still does. GMRS equipment must

I am a currently licensed Extra Class amateur radio operator and wish to be a volunteer examiner. I have never had my station or operator license revoked or suspended. I do not have any pending or pending charges against me. I am a currently licensed Extra Class amateur radio operator and wish to be a volunteer examiner. I have never had my station or operator license revoked or suspended. I do not have any pending or pending charges against me.

WOULD YOU LIKE TO BECOME A VOLUNTEER EXAMINER? If so, please send a copy of your Extra Class license, this signed statement, and a SASE under "The W5YI Report" Program? If so, please send a copy of your Extra Class license, this signed statement, and a SASE under "The W5YI Report" Program?

come from this and would appreciate it if you would publish our small classified ad (see margin between pages 4 & 7) on license preparation materials. Thanks!

WOULD YOU DO US A FAVOR?

W5YI REPORT.....

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be type accepted and licensees must be 18 years old.

General Radio Mobile Service Channels			MOBILE UNITS	
BASE STATION (Channel)			MOBILE UNITS	
Transmit - Receive			Transmit - Receive	
462.550	467.550	"A"	467.550	462.550
462.575	467.575	"B"	467.575	462.575
462.600	467.600	"C"	467.600	462.600
462.625	467.625	"D"	467.625	462.625
462.650	467.650	"E"	467.650	462.650
462.675	467.675	"F"	467.675	462.675
462.700	467.700	"G"	467.700	462.700
462.725	467.725	"H"	467.725	462.725

FCC ISSUES PRESS RELEASE ON C.R.S.

The FCC last week launched an inquiry (PR Docket 86-38) which looks toward replacing the General Mobile Radio Service with one which would have no licenses, no repeaters ...and very limited power and range.

The service would be known as CRS - for Consumer Radio Service and would utilize short-range hand-held transceivers. As the FCC envisions it, neither base stations nor mobiles would be authorized.

If adopted - and remember this is only a proposal - there would be a transition period and GMRS would ultimately be phased out. Word is just now getting out and GMRS operators are shocked with disbelief and furious! The FCC does not usually take away privileges once granted.

While we have not as yet received the Notice of Inquiry (NOI) on the "Establishment of a Consumer Radio Service - PR Docket 86-38", we did receive the advance press release.

"The Commission has asked for suggestions on the best approach to meet personal communications needs within the two 200 kHz frequency segments by restructuring the General Mobile Radio Service, GMRS.

This would mean establishing a new service, the Consumer Radio Service, which would permit an individual using a compact, high technology unit to talk briefly with another individual over a short distance. For

example, persons attending large outdoor events together could keep in touch when they are out of sight of each other.

The FCC asked for suggestions on the different types of usage desired; the maximum number of channels that could be obtained from the various technologies; the number of channels (if any) that should be reserved for particular usage; desirable channel bandwidths and spacings; and any band planning or coordinating necessary to accomodate the various uses in a restructured GMRS.

Comments are due May 30, 1986 - replies June 30, 1986. The Personal Radio Steering Group had petitioned the FCC to consider a phase in of narrow band FM channels over a ten year period. They weren't too happy with the Commission's response. (Action by FCC, by NOI, January 30, 1986)

ARRL BOARD OF DIRECTOR MEETING....

The ARRL Board of Directors met in Hartford, Connecticut on January 23 & 24. The following items from the League's ARRL Letter are of more than average interest.

- (1.) President Larry E. Price, W4RA, Executive Vice President David Sumner, K1ZZ, and Secretary Perry Williams, W1UED, were re-elected to serve until the 1988 annual meeting.
- (2.) League HQ to prepare a guidebook for sponsoring conventions and hamfests.
- (3.) ARRL will seek RF susceptibility labelling for home electronic equipment.
- (4.) An attempt will be made to remove the requirement that a control operator be present at each packet radio digipeater when third party traffic is being transmitted through that station. League said that this requirement was unduly restrictive and has a crippling effect on the development of packet radio.
- (5.) Discussions with FCC involving League issuing amateur radio operator call signs will continue even though some directors are apprehensive about it.

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(6.) FCC to bg petitioned to require alien amateurs operating on reciprocal permits to sign their US call designators before (rather than after) their call sign in accordance with IARU recommendations. (i.e. W4/DL6TJ rather than DL6TJ/W\$)

(7.) National repeater database to be implemented, ARRL does not endorse or recognize repeater coordination authority and will suspend further repeater data input where a disagreement exists pending resolution of the dispute.

(8.) New 160 meter band plan adopted: 1800-1840 kHz for CW/RTTY/narrow band and 1840-2000 kHz for CW/SSB/RTTY/wide band modes. 1830-1850 kHz for non-DX contacts.

(9.) Committee to study message handling during times of traffic overload.

(10.) Establishment of telephone distributed tape-recorded news/information service (similar to Westlink) to be studied and possibly implemented.

(11.) ARRL had "near record" membership growth in 1985 - about 15,000 or 12% over 1984.

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NO 40-METER HF PHONE FOR TECHNICIANS

We got a couple of inquiries about new Amateur Radio Table of Allocations list that we published in our last issue. It seems that the list indicates that Technician Class level amateurs can operate 40-meter phone! I looked closer. The inquiries were right!

The Table we published indicates 7100-7175 kHz can be used by Technician Class amateurs and 7150-7175 is a phone segment! We checked the paperwork from the FCC (Report & Order - PR Docket No. 85-23) and indeed that is what it said.

We phoned the FCC and apparently no one had questioned this before. They agreed that no rulemaking had authorized 40-meter telephony for Technicians. A later phone call advised us that there indeed was a typographical error in the Technician Class frequency bands. It should have read: 7100-7150 kHz.

CANADIAN RFI CASE GOES TO TRIAL!

In Canada, the big news is the Ravenscroft QRM trial! Ottawa's Jack Ravenscroft, VE3SR, is being sued by neighbors, Tim and Dale Houghtby for interfering with their home electronic appliances! An injunction against all Ravenscroft amateur radio operation forced Jack off the air over six months ago.

It is charged that Ravenscroft's amateur radio station interferes with the Houghtby television, organ, microwave oven and furnace. They seek \$35,000 in damages! The Canadian amateur community isn't taking it lightly. Thousands of donated dollars have supported Ravenscroft's legal defense.

The trial lasted for three days - from January 14 to 16 - and the injunction remains in effect. The trial started with counsel for the Houghtby's demanding that a contempt charge be issued against Ravenscroft for breaking the injunction banning transmitting. It seems that the plaintiff's oven continues to be turned on by his alleged transmissions. Ravenscroft denied breaking the injunction and the judge denied the contempt request.

Interestingly, after the plaintiffs had a supplier change some of the faulty microwave oven components, the problem did not re-occur!

The judge seemed to be of the opinion that money spent on interference proofing the appliances might have been better spent and preferable to legal and court costs. He suggested that the two parties work out a settlement. The Houghtby's flatly rejected this.

At one point in the trial the plaintiff introduced a CW tape recording taped off of their electronic organ as damaging evidence against Ravenscroft. Amateurs attending the trial were highly amused when they copied the code in the courtroom. It was a transmission made by VE3OAI - another amateur about 500 feet away from the Houghtby residence!

There are about 150 amateurs in Jack's suburb. The following day, the defense asked VE3OAI to take the stand, He showed his log and he did indeed make that transmission. The

THE ANSWERS TO ALL FCC TESTS ARE AVAILABLE!
FCC-Novice Study Guide \$3.00 + \$1.00 postage
FCC-Novice Element 2 Test \$1.00 + 50¢ postage
The W5YI Report, even though a VEC in all regions

Yes!!!

plaintiff's counsel was very embarrassed since it indicated that the problem was wider in scope than alleged.

The Houghtby counsel raised the question, "Who has the right to enjoy their hobby - Ravenscroft with his 47 year pursuit of amateur radio and three year residence or the plaintiffs with their lifetime enjoyment of playing their organ and watching TV and ten year residence?" Implied was that prior residence rules.

Taking the stand, engineers from Canada's Department of Communications (similar to our FCC) all stressed the deficient design of today's consumer electronic appliances. They said the interference probably could have been eliminated by additional filtering.

While Ravenscroft agreed to carry out further RF testing, the Houghtby's rejected any further RF suppression work on their appliances as an invasion of their privacy. They also said that there would be no guarantee that any additional equipment purchased would not experience the same problem.

The DOC said that they had inspected Jack's ham station and it met all required technical standards. The DOC witness said that he thought the goal of the proceeding was to get Ravenscroft off of the air permanently. The Plaintiffs had even written the Prime Minister asking that Jack's license be revoked. DOC engineers testified that even their own hand-held transceivers created problems with the plaintiff's equipment.

CRRL (Canadian Radio Relay League) Director Ray Perrin, VE3FN, testified that Jack could not be held responsible for the interference. He compared the problem to rain entering a hole in the roof. There will always be rain. You have to fix the roof. It was a good analogy.

Due to the technical nature of RF interference, the judge has now asked for written briefs from each party which we understand were submitted last week. A decision will be handed down later on this month at which time it will be determined who will be responsible for court costs and damages.

SCHOLARSHIPS AVAILABLE TO AMATEURS

Hugh A. Turnbull, W3ABC, Chairman of the Foundation for Amateur Radio, Inc., writes that F.A.R. plans to award twenty-one scholarships for the coming 1986-87 academic year.

The Foundation, composed of fifty Washington, DC, area amateur radio clubs fully funds two of these scholarships from the proceeds of its annual Hamfest and administers the others without cost to the donors.

Available are seven scholarships from the Quarter Century Wireless Association, two each from the Dade (Florida) Radio Club, the Baltimore (MD) Amateur Radio Club and the Department of State Amateur Radio Club.

Scholarships administered by F.A.R. are also available from the Radio Club of America, the Richard J. Chichester Memorial, the Young Ladies' Radio League, the Edmund Redington Memorial, the Amateur Radio News Service and the Columbia (MD) Amateur Radio Association.

Licensed Radio Amateurs may compete for these awards if they plan to pursue a full-time course of studies beyond high school and are enrolled or have been accepted for enrollment in an accredited university, college or technical school.

Most of the scholarships require the applicant to hold at least an FCC General Class license or equivalent. The scholarship awards range from \$350 to \$900 with preference given in some cases to residents of specified geographical areas or pursuit of certain study programs.

Additional information and an application form can be requested by a letter or QSL/postcard postmarked prior to May 31, 1986, from:

F A R Scholarships
6903 Rhode Island Avenue
College Park, Maryland - 20740

F.A.R. also would appreciate if newsletter editors would further publicize the availability of these awards.

¶ As predicted in our January 15th newsletter, the FCC released a Notice of Proposed Rulemaking on January 30th (PR Docket 86-37) which proposes to amend §Part 90.203 of the rules to **exclude from type-acceptance** under Part 90 any land mobile transmitter (above 25 MHz) with **external frequency controls** that would permit the user selection of unauthorized frequencies. The Commission is very concerned about business banders programming in frequencies that are vacant or little used rather than the one that they are assigned and authorized!

¶ Identix, Inc., (Palo Alto, California) has a new **low price security identification device**. An integrated circuit buried inside a plastic identification card digitizes a person's fingerprint. A person wishing admission to a security area simply puts the card into a special terminal and then presses his finger on a panel. If the fingerprint matches the imbedded digitized version, the person is admitted!

¶ Kenneth Miller, unexpectedly resigned as president and CEO of Penril Corporation - a large Rockville, Maryland, manufacturer of modems, test and data communications equipment. The firm reported a loss for the first quarter verses a profit last year. Miller, a well known amateur radio operator (K6IR), will remain on Penril's Board of Directors and will serve as a consultant to the company.

¶ Bill Gates dropped out of Harvard at age 19 to write software for a new emerging consumer electronics industry... microcomputers. He formed **Microsoft Corporation** which will now sell shares and go public. Gates will keep 45% of the stock. Based on the initial public offering price, his retained stock is worth some \$200 million! Not bad for a young man who is still only 30 years old!

¶ The father of video games - Nolan Bushnell, is at it again! The man who brought "Pong" to the world is now marketing inexpensive electronic pets and toy robots that play games! He started Atari and Pizza Time Theatres - both went over big (and eventually disintegrated the same way.) His latest venture is Azlon, Inc. Catsters and dogsters run on ordinary flashlight batteries and, by means of sensors and microphones, detect shapes and

sounds and respond accordingly. They come complete with a house breaking training paper!

¶ Did you know that it is the **volunteer examiner** (and not the VEC) who is responsible for determining the answers to all amateur radio operator written tests? While every VEC designs tests which includes the answer they believe correct, the **VE is not required to accept it!** There is no requirement that any VEC supply VE's with answers to their written tests! §Part 97.27(d) indicates that effective January 1, 1987, VE's will also be designing the various written tests. Look for this to be moved up by perhaps six months!

¶ As the satellite skies continue to darken - so are opportunities in the home satellite sales business. While the backyard dish industry isn't talking -- they don't want to further scare the public -- we have learned that, during the past month, backyard TVRO sales have plummeted by as much as 80% across the nation! The public is just becoming aware that satellite programmers are proceeding on a path which will make quality free satellite programming unavailable to them and what is available will cost more than if they had cable access!

¶ HBO has signed up 800 dish owners at \$12.95 a month (\$19.95 for HBO and Cinemax combined) since they started scrambling their satellite feeds on January 15th. They are receiving more than 1,000 calls a day! Biggest problem...the unavailability of \$395 M/A Com descramblers.

¶ A major portion of baseball's 1986 satellite feeds will be scrambled. Showtime/-The Movie Channel/Disney Channel set to scramble by May; CBN, CNN, MTV, Nickelodeon and Playboy before year end! Colorado outfit will offer 10 basic and 5 premium services to TVRO's. Cost will be \$6.00 for the basic; \$10.00/month for first premium; \$6.50 each additional.

¶ SPACE, the satellite television industry trade group, says they'll file lawsuits to insure "fair and reasonable" access by home earth station owners to scrambled broadcast and cable signals.

¶ The House Telecommunications Subcommittee has scheduled hearings for early March on H.R.1769 which calls for a two-year moratorium on scrambling and H.R.1840 which guarantees the availability of satellite programming to backyard dish owners at reasonable rates.

¶ Home satellite industry to take new direction? Now that effective satellite scrambling technology is with us, HBO, RCA and the largest cable company in the nation have entered into a joint venture to provide Ku-band DBS (direct broadcast satellite) programming. While billing will be through local cable companies, look for consortium to eventually handle everything themselves. Satellite with 16 channels of high (45 watt) power was due for orbiting in 1988. Signals will be scrambled at the onset. There are presently some 2 million C-band backyard earth stations. Ku-band receivers requiring only a 3 foot dish and a decoder will cost only \$500.

¶ A new way to broadcast three-dimension TV (which may have cable applications) has been developed by the West German Institute for Broadcast Engineering. They combine spectrum used by two television channels into one high quality high-definition channel. At present special modified sets and polarized glasses are required although a process eliminating the glasses is in development. Japan is also pursuing the two-channel technique.

THE GREAT ARMADILLO RUN IS ON!

The Texas DX Society, as part of the Texas Sesquicentennial celebrating the 150th anniversary of Texas independence is organizing an effort that will activate all 3076 counties in the U.S. over two week ends in 1986.

County hunting is sort of new to the TDXS but in 1983 they decided to tackle it. Their club of less than 60 members operated from every Texas county in a single weekend! (There are 254 Texas counties in an area of more than a quarter of a million square miles!) Their plans to activate every U.S. county at first seemed impossible! But they are doing it!

Regional coordinators have been set up

nationwide to insure that every U.S. county is indeed represented! There is probably no nuttier and more aggressive DX group in the country! They hold the multi-operator world record in both modes in the ARRL DX Contest.

The Great Armadillo Run of 1986 was publicized in QST (October 1986) and CQ (January 1986.) The phone event will correspond with the County Hunters' Phone Contest on May 3 and 4. The CW weekend will be July 26 and 27 paralleling the County Hunters' CW event. Instead of having all 3,076 counties on the air, however, there will be 3,077!

Texas Governor Mark White has proclaimed that for the period March 2 through December 31 a new county will exist in Texas to called "Armadillo County". This will be a fully legal and recognized county for ten months! It will exist along a route between San Antonio, Austin and Houston, Texas.

Texas DX Society commissioned amateur stations will operate along the Texas Independence Trail and will broadcast that they are operating from "Armadillo County, Texas." After checking out Armadillo County's legal status, USA-CA custodian, WB9RCY, has agreed to recognize Armadillo County as a new county for Award credit! There never has been a "temporary county" before.

Armadillo County has elected a full slate of officials ...from Sheriff to Mosquito Control Officer. Armadillo County amateur station K5DX/A will fire up at 0600 UTC on March 2 from the site of the signing of the Texas Declaration of Independence.

Their newspaper, the Armadillo Press ("All the News That's Fit to Leak" - Vol. 1, No. 1) has already started publication. Even special white satin jackets with 9"X12" logos on the back and genuine brass Deputy Sheriff badges are available to Armadillo County operators.

Not only is 1986 the 150th birthday of Texas statehood, but also that of South Australia. Joint activities are planned between Texas and South Australia where they will be

holding their own version of the Armadillo Run. "Armadillo County" will also exist in Australia and multiplier credit will be given for contacts with South Australian VK5 counties.

¶ The Winter edition of the GEARVAKf BULLETIN, the four pager that pokes fun at amateur radio, is out. Tongue-in-cheek news covered includes a new reciprocal operating agreement with Libya, NASA's artificial sunspot project, prohibited on-the-air words, new comet tax in Ohio, propagation formula lost, an interview with newly licensed Santa Claus, NP1SC, and more... Sample available for a buck from: Joe Ventolo, K8DMZ, 356 Coronado Trail, Enon, OH 45323.

SIX METER NOVICE PETITION FILED....

Another proposal for Novice enhancement has been filed with the FCC. Suggested are Novice voice privileges in the six meter band. This one is signed by five amateurs and has the support of SMIRK, the San Antonio based Six Meter International Radio Klub. Two of the co-signers are Adrian Weiss, WØRSP, the QRP editor of CQ magazine and Ray Clark, K5ZMS - a SMIRK officer. Others are Dr. Albert D'Errico, Jr., N4INU, Katherine Bull, KA5ULO and Jim Haynie, WB5JBP. The FCC assigned RM-5281 to the proposal and circulated a Public Notice on its acceptance.

Noting that "the privileges available to Novice Class amateurs are widely felt to be insufficient to maintain their licenses - let alone upgrade them" the group requested that a Notice of Proposed Rulemaking be issued providing for other modes besides telegraphy. "During periods of minimum sunspot activity, 10 and 15 meter Novice CW privileges are virtually useless. The 40 and 80 meter Novice band is plagued by foreign broadcast and de-regulated Canadian telephone interference," they said.

Novices are more often "discouraged by frustration than encouraged by challenge" and "something must be done to increase the attractiveness of the Novice license." Proposed were additional Novice privileges consisting of CW, USB (upper-side band) and AM modes in the amateur six meter band." This

band is especially appropriate since it is subject to virtually all propagation phenomena and would educate the Novice to a variety of modes"

Maintaining the use of high power on six meters is not necessary and citing TVI and incentive licensing concerns the proposal suggests a 15 watt power level and a Novice frequency segment of 50.3 and 50.5 MHz. Public comment period closes on February 24, 1986

HEARING ON PRIVACY ACT OF 1985 HELD

"It is clear that users of cellular phones desire that their communications be protected against interception. On the other hand, hobbyists and others that use and operate radio systems want to be able to freely use the radio spectrum. These radio operators claim that the use of scanners and other devices inevitably result in interception of cellular phone calls."

"These two groups of people have different and conflicting interests. It is our task to reconcile the conflicts. One way of accomplishing this task would be to make inadvertent interception lawful. Another approach would be to require a minimum level of encryption before cellular phone calls are afforded statutory protection against interception."

Those were the opening remarks by Representative Robert W. Kastenmeier, Thursday, January 30, 1986, at the third hearing held in the House of Representatives on the Electronic Communications Privacy Act of 1985 which seeks to regulate access to certain portions of the radio spectrum.

Many organizations requested that they be allowed to testify at this hearing. The ones that were selected by the House subcommittee were AT&T, Southwestern Bell Telephone Company, ARRL (Perry F. Williams, W1UED - Washington Correspondent), Tandy Corporation (Radio Shack), and Richard T. Colgan, WD5GWC, Executive Secretary of the Association of North American Radio Clubs. Started in 1964, ANARC now has more than 10,000 members - mostly SWL's and scanner enthusiasts.

TELEPHONE INTERESTS TESTIFY....

The presentation by AT&T and Southwestern Bell was very lengthy ...very bland ...and very boring. Neal Amick, AT&T Division Manager of Corporate Security expressed concern for the general security of communications - particularly the telephone network - and the various issues relating to the wiretap provisions of S.1667 and H.R.3378.

Appearing with him was John Kelly, attorney for Southwestern Bell. Both took a very hard line on security of electronic communications and believe that all telephone calls should be afforded protection. Also discussed were changes in technology and AT&T communications. AT&T wanted to make it illegal to receive any electronic communication for which the public was not intended as the recipient or a participant. They were big supporters of the legislation.

ARRL CHANGES LEGISLATIVE POSITION!

At a brief meeting was held before the hearing between Perry Williams, W1UED of the League, Chris Imlay, N3AKD, ARRL lawyer and Richard Colgan, WD5GWC, of ANARC. It was learned that the ARRL had altered their position substantially concerning the Privacy Act of 1985 as applies to amateur radio communications. Previously the League position was that the legislation did not apply to amateur radio since it was exempted ...or to amateur autopatch telephone calls since they were not specifically referred to in the bills.

Despite a confusing contradictory editorial written by Perry Williams on page 9 of the February ARRL journal, "QST", the League now agrees that the bill can indeed be interpreted to preclude or limit the ability of amateurs to monitor amateur radio communications involving telephone interconnect and amateur radio operations in general. Williams' voiced amateur radio's concern about this in his testimony at the hearing.

In another position change, the League now recognizes that many amateur operators are legitimate listeners of spectrum other than the ham bands. Previously the League

had been portraying licensed amateur operation as something very different and separate from the unlicensed monitoring activity of SWL's and scanner hobbyists.

The ARRL position now is that licensed amateurs have lawful reasons to have equipment which tunes beyond the amateur frequencies. "Many amateurs employ scanner receivers which are capable of receiving communications of many different radio services... The use of ...a multiband radio receiver by a licensed amateur should not subject the amateur to criminal prosecution or harassment in any fashion. ...Overall it would appear that the bill does not contain sufficient exemptions for legitimate users of the radio spectrum," Williams' testimony read. We understand that it was written by Larry Price, W4RA, ARRL president. The League's "about face" recognition that amateurs listen to all types of frequencies - and should be permitted to do so - pleasantly surprised many in attendance.

TESTIMONY BY TANDY CORPORATION....

George Kuhnreich, Vice President - Corporate Planning and Governmental Affairs of the Tandy Corporation presented the confusing testimony that it should be illegal to listen to any communication that is scrambled and cellular telephone. Cellular calls can easily be encrypted at low cost if mass marketed. His \$3,000 to \$4,000 stated cost is high even for today's limited availability and market.

He said that cellular telephone users do have an expectation of privacy since it is a telephone shaped handset that people think is the same as a regular telephone.

TESTIMONY OF RADIO LISTENER GROUP....

Richard "Terry" Colgan", WD5GWC, Executive Secretary of the Association of North American Radio Clubs presented excellent written and oral testimony. In fact, so it was so smooth and professional, that it may have very well changed the course of the legislation! ANARC is the oldest and largest radio listening organization in the U.S. and Canada.

Colgan lives in Austin, Texas, and is a Texas state agency employee. Up to now, many people had been regarding scanner listeners as second-class citizens - the listening variety the peeping Tom. Well groomed and articulate, Colgan and his group presented a completely different picture of the SWL and scanner user.

Colgan played a tape of various encrypted communications - he held microchips up for display that were scrambling devices. "The Americans who own short-wave radios and scanners come from every walk of life," he said. "Many are elderly, many disabled. Radio listening is one way for them to find out what is happening in their communities, their country and the world."

He said that the wording of the Privacy Act is so ambiguous that "we do not know how concerned we should be about it ...the wording seems to make unlawful certain activities that contribute to public safety."

The bill would make illegal communications not readily accessible to the public. Most of ANARC's concern stems from what is and what isn't "readily accessible to the public." Colgan said "...the reality of radio waves is that they are present in our home, cars, businesses - in this hearing room and other places - whether or not we want them there. All we need is a suitable receiver ...and we can listen to these signals. A radio signal that pervades a populated area is - as a matter of physical fact, readily accessible to the public."

The bill indicates that police and fire department communications are readily accessible but other radio services - often just a few kilohertz away - are not. "In truth, there is no difference in accessibility between police, fire, business, forestry, mobile phone, international short wave.... A general coverage short wave receiver or a synthesized scanner can detect all of them with equal facility," he said.

"H.R. 3378 appears to transfer the responsibility for radio communications privacy from the system provider or user to the casual listener or general public. ...If the

information is broadcast in the clear - that is, it is not scrambled or encrypted - it is not difficult in our view to advance the arguments that...

- (1.) ...the information content of the broadcast is not private
- (2.) the system provider does not intend that the information will be private
- (3.) the system user has no reasonable expectation that the information will be private."

Colgan told how land mobile stations share the TV broadcast band and according to the bill, listeners would have to turn their TV sets off rather than try to identify the interfering signal! "Since most land mobile services do not take even minimal precautions against interception of their transmission, we believe that they do not regard this as a serious problem. Use of clear voice demonstrates to us a lack of concern for privacy of the communications. It is the difference between sending a postcard and sending a sealed letter."

A cassette tape recording was even made of a Washington, D.C. cellular phone call conversation taped off of an \$80 Japanese TV set. It wasn't replayed at the hearing due to "secrecy of communications" Section 705 of the Communications Act considerations but the Congressmen were told about it. Also presented were pages and pages of technical information supporting ANARC arguments.

SPACE, the backyard satellite dish industry association submitted written testimony agreeing that the bill could even be construed to mean that privately owned satellite TVRO reception was unlawful. The interests of short wave listeners, backyard dish owners and amateur radio operators were very strongly and professionally represented at the January 30th hearing.

The sub-committee members asked a lot of questions. There is one more hearing on the Privacy Act scheduled. After the last hearing, the subcommittee will produce a final draft of the bill for the full committee and from there, to the floor of the House for a vote. The same process is going on in the Senate with S.1667. We will keep you posted.